

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MAR 15 2005

Michael N. Milby, Clerk of Court

SHERRI A. SLACK,
TDCJ-CID #1055542,
Petitioner,

v.

DOUGLAS DRETKE,
Respondent.

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CIVIL ACTION NO. H-04-4341

MEMORANDUM AND ORDER ON DISMISSAL

Petitioner Sherri A. Slack has failed to submit an application to proceed *in forma pauperis* or to pay the \$5.00 filing fee, as required by the Clerk's Notice of Deficient Pleading dated November 17, 2004 (Docket Entry No. 2). The Notice specifically provided that failure to comply as directed may result in the dismissal of this action. Petitioner's failure to file an application to proceed *in forma pauperis* or pay the filing fee forces this Court to conclude that petitioner lacks due diligence. Under the inherent powers necessarily invested in a court to manage its own affairs, this Court determines that dismissal for want of prosecution is appropriate. *See* FED. R. CIV. P. 41(b); *Woodson v. Surgitek, Inc.*, 57 F.3d 1406, 1417 (5th Cir. 1995). Upon a proper showing, relief from this order may be granted in accordance with FED. R. CIV. P. 60(b).

This action is **DISMISSED** without prejudice for want of prosecution.

The Clerk will provide a copy of this order to the parties.

Signed at Houston, Texas, on this the 14th day of March, 2005.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE